



Town Board Minutes

**Meeting
No. 34**



Regular Meeting

November 7, 2005



Town Board Minutes

November 7, 2005

Meeting No. 34

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7th day of November, 2005 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
RICCARDO ZUPPELLI, POLICE CAPTAIN
JOHN TROJANOWSKY, EXECUTIVE DIRECTOR YOUTH BUREAU

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO, to deliberate in Executive Session for the announced purpose of discussing Police contract negotiations which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Substance Abuse Prevention Program

Tobolski, Michelle, 43 Trentwood Trail, spoke to the Town Board on the following matter:

- concerns about a letter received from a developer regarding property on Mohawk Place

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matter:

- Town Hall restroom renovation plumbing

Tshulos, Nicholas, 35 Trentwood Trail, spoke to the Town Board on the following matter:

- property on Mohawk Place

Kohrer, Michael, 37 Trentwood Trail, spoke to the Town Board on the following matter:

- property on Mohawk Place

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed Special Districts Budget for 2006.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Questions about budget appropriations for a particular water line within the Consolidated Water District. Positive comments about the Town Refuse District. Questions about benefit formula for Sewer District # 2. Comments regarding the lighting district.
Daniel Beutler	26 Tyler Street	Questions regarding Fire District pension costs.

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:38 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 7, 2005

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:38 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed Preliminary Budget for 2006.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Lee Chowanice	93 Northwood Drive	Opponent
Daniel Beutler	26 Tyler Street	Opponent

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:07 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

November 7, 2005

PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:

At 9:07 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster in Autumn Park Subdivision.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
NONE		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:08 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 7, 2005

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and
the Planning Board held October 17, 2005 and the Regular Meeting of the Town Board held
October 17, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of November, 2005
for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town
of Lancaster and persons for and against such amendment have had an opportunity to be heard,
and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the
Town of Lancaster be amended in the form attached hereto and
made a part hereof;
2. That said amendment be added in the minutes of the meeting of the
Town Board of the Town of Lancaster held on November 7th, 2005;
3. That a Certified Copy thereof be published in the Lancaster Bee on
November 10, 2005;
4. That a Certified Copy of the amendment be posted on the Town
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town
Clerk;
6. That the Highway Superintendent take whatever action is
necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: r:\ordchpt46stop\signs\sthanstrail1005a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

AUTUMN PARK SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Nathan's Trail	Theresa Drive	S.W. Corner
Nathan's Trail	Theresa Drive	N.W. Corner

November 7, 2005

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 7th day of November, 2005, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 7th day of November, 2005.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has awarded the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council a grant for the period January 1, 2005 through December 31, 2005 in the amount of \$3,294 to fund the operation of a substance abuse prevention program, and

WHEREAS, the Town Board has authorized the Supervisor to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294, and

WHEREAS, the Town Board desires to enter into a contract for New York State Office of Alcoholism Services funding for the amount of \$3,294;

NOW, THEREFORE, BE IT

RESOLVED, that Robert H. Giza, Supervisor of the Town of Lancaster is hereby authorized to enter into a Memorandum of Understanding between the Town of Lancaster Youth Bureau and WNY United Against Drug & Alcohol Abuse, Inc. for use of New York State Office of Alcoholism and Substance Abuse Services funds in the amount of \$3,294, to continue operation of a substance abuse prevention program through the Town of Lancaster Youth Bureau and Drug Abuse Prevention Council.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the proposed Local Law of the Year 2005 entitled "HOME OCCUPATIONS/OFFICE OF RESIDENT PROFESSIONAL" repealing in its entirety Section 50-17 (F), "Home occupations." and Section 50-17 (G), "Office of resident professional." of Chapter 50, "Zoning" of the Code of the Town of Lancaster, and enacting in place thereof a new Section 50-17 (F) and a new Section 50-17 (G), was introduced to the Town Board of the Town of Lancaster on the 3rd day of October, 2005, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on October 17, 2005;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 6 of the Year 2005, entitled "HOME OCCUPATIONS/OFFICE OF RESIDENT PROFESSIONAL" repealing in its entirety Section 50-17 (F), "Home occupations." and Section 50-17 (G), "Office of resident professional." of Chapter 50, "Zoning" of the Code of the Town of Lancaster and enacting in place thereof a new Section 50-17 (F) and a new Section 50-17 (G) which read as follows:

**CHAPTER 50
ZONING
SECTION 50-17 (F) AND SECTION 50-17 (G)
LOCAL LAW NO. 6
OF THE YEAR 2005**

A LOCAL LAW ENTITLED "HOME OCCUPATIONS/OFFICE OF RESIDENT PROFESSIONAL" TO AMEND THE TOWN CODE OF THE TOWN OF LANCASTER BY REPEALING IN ITS ENTIRETY SECTION 50-17 (F) AND SECTION 50-17 (G) OF CHAPTER 50 "ZONING" AND ENACTING IN PLACE THEREOF A NEW SECTION 50-17 (F) AND A NEW SECTION 50-17 (G).

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

The Code of the Town of Lancaster is hereby amended by repealing in its entirety Section 50-17 (F) entitled "Home occupations," and Section 50-17 (G) entitled "Office of resident professional," of Chapter 50, "Zoning", and enacting in place thereof by a Local Law of the Year 2005 the following:

§50-17 (F) Home occupations.

- 1) A special use permit shall be required for any home occupation proposed by a Town resident in his or her home. Such permit shall be issued by the Town Board for a period of up to (2) two years only after a public hearing advertised in the manner required by the Town Law. The permit may be renewed by the Town Board upon request in writing delivered to the Town Clerk by the resident and after an inspection by the Town Building Inspector's office to determine compliance with the conditions as set out in the approval of the home occupation permit as originally issued.
- 2) Home occupation permits shall be issued upon the following conditions which relate to the health, safety and welfare of the surrounding community:
 - a) Only persons residing on the premises shall be engaged in such an occupation.
 - b) The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed 25% of the ground floor area of the principal structure. It may be within the principal or an accessory structure.
 - c) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
 - d) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot.
 - e) The Town Board may establish additional conditions and restrictions at the time of approving the issuance of the permit as it deems necessary to protect the general health, welfare and safety of the surrounding community.
- 3) Inspection and Enforcement
 - a) Any home occupation issued a special use permit hereunder shall remain compliant with the conditions of said permit.

- b) The Building Inspector of the Town of Lancaster or his designee shall have the authority to inspect the property for which a permit is issued for a home occupation to determine compliance with the terms and conditions of the permit upon five (5) days notice in writing (1) served upon the permit holder, or (2) served upon any adult over the age of 18 at the premises followed by a mailing of the notice by regular mail addressed to the permit holder which shall be presumed received no later than three (3) days after the mailing, which shall be witnessed by an affidavit of mailing made by the employee in the Building Inspector's office who causes the mailing.
- c) (i) Upon inspection, if the Building Inspector finds that the permit holder is not in compliance the Building Inspector shall issue the permit holder a notice in writing delivered to the property and mailed by regular mail to the permit holder's address, which notice shall state that the permit holder or property owner has ten (10) days from the date of delivery of the notice, which shall be presumed to be no later than three (3) days after the mailing to the permit holder, to become compliant with the terms and conditions of the special use permit as issued. The Building Inspector shall thereafter cause an inspection of the premises to determine whether compliance has been made.
- (ii) In the event the permit holder does not comply with the Notice to Comply issued by the Building Inspector, the Building Inspector shall notify the Town Board of such failure and the Town Board may act to revoke the special use permit by Town Board resolution.
- (iii) Where the Building Inspector finds a failure to comply with the ten (10) day Notice to Comply the Building Inspector shall immediately cause a Notice of Violation to be served upon the permit holder returnable in the Town of Lancaster Justice Court by service of said notice at the premises housing the home occupation use upon any individual over the age of 18, or if no person is available then by leaving the notice taped to the door together with a mailing of the notice by regular mail addressed to the permit holder with an affidavit of said mailing made by the employee in the Building Inspector's Office who causes the mailing.
- d) (i) In the event that the permit holder does not permit the Building Inspector access to the premises for inspection on notice as set out hereinabove at 3 (b) then the permit holder shall be presumed in violation of the special use permit and upon the Building Inspector giving notice of such failure by the permit holder to the Town Board the Town Board may revoke the permit.
- (ii) Where the permit holder denies access to the Building Inspector to cause an inspection after notice given to the permit holder as set forth herein above at 3 (b) then after five (5) days from the scheduled date of inspection the Building Inspector shall serve a Notice of Violation upon the permit holder as set forth herein in 3 (c) (iii) returnable in the Town of Lancaster Justice Court.

and

- 1) A special use permit shall be required for any office of a resident professional proposed by a Town resident in his or her home on those streets and roads set out in §50-17 (I). Such permit shall be issued by the Town Board for a two (2) year period only after a public hearing advertised in the manner required by the Town Law. The special use permit may be renewed by the Town Board upon request in writing delivered to the Town Clerk by the resident professional and after an inspection by the Town Building Inspector's office to determine compliance with the conditions as set out in the approval of the special use permit as originally issued.
- 2) The following conditions shall apply to the issuance of all special use permits for resident professional.
 - a) The residential professional office shall be clearly incidental and subordinate to the use of the premises for residential purposes.
 - b) The area devoted to the resident professional office shall not exceed 25%
 - c) The resident professional may have only one employee, assistant or associate.
 - d) Off-street parking spaces shall be provided in addition to driveways and any private garage or parking area according to the profession involved and the requirements of §50-28 of this ordinance. The location thereof shall be determined by the Town Board and shall be that which has the least negative impact on adjacent properties. Screening of the parking by fences, vegetation or other appropriate material shall be provided so as to assure privacy for adjacent land uses with visual, noise and air quality factors considered.
 - e) One unlighted sign of not more than two square feet in size identifying the resident and the profession shall be permitted on site.
 - f) The Town Board may establish additional conditions and restrictions at the time of approving the issuance of the permit as it deems necessary to protect the general health, welfare and safety of the surrounding community.
- 3) **Inspection and Enforcement**
 - a) A resident professional issued a special use permit hereunder shall remain compliant with the conditions of said permit.
 - b) The Building Inspector of the Town of Lancaster or his designee shall have the authority to inspect the property for which a permit is issued for the office of a resident professional to determine compliance with the terms and conditions of the permit upon five (5) days notice in writing (1) served upon the permit holder, or (2) served upon any adult over the age of 18 at the premises followed by a mailing of the notice by regular mail addressed to the permit holder which shall be presumed received no later than three (3)

days after the mailing, which shall be witnessed by an affidavit of mailing made by the employee in the Building Inspector's office who causes the mailing.

- c) (i) Upon inspection, if the Building Inspector finds that the permit holder is not in compliance the Building Inspector shall issue the permit holder a notice in writing delivered to the property and mailed by regular mail to the permit holder's address, which notice shall state that the permit holder or property owner has ten (10) days from the date of delivery of the notice, which shall be presumed to be no later than three (3) days after the mailing to the permit holder, to become compliant with the terms and conditions of the special use permit as issued. The Building Inspector shall thereafter cause an inspection of the premises to determine whether compliance has been made.
- (ii) In the event the permit holder does not comply with the Notice to Comply issued by the Building Inspector, the Building Inspector shall notify the Town Board of such failure and the Town Board may act to revoke the special use permit by Town Board resolution.
- (iii) Where the Building Inspector finds a failure to comply with the ten (10) day Notice to Comply the Building Inspector shall immediately cause a Notice of Violation to be served upon the permit holder returnable in the Town of Lancaster Justice Court by service of said notice at the premises housing the resident professional use upon any individual over the age of 18, or if no person is available then by leaving the notice taped to the door together with a mailing of the notice by regular mail addressed to the permit holder with an affidavit of said mailing made by the employee in the Building Inspector's Office who causes the mailing.
- d) (i) In the event that the permit holder does not permit the Building Inspector access to the premises for inspection on notice as set out hereinabove at 3 (b) then the permit holder shall be presumed in violation of the special use permit and upon the Building Inspector giving notice of such failure by the permit holder to the Town Board the Town Board may revoke the permit.
- (ii) Where the permit holder denies access to the Building Inspector to cause an inspection after notice given to the permit holder as set forth herein above at 3 (b) then after five (5) days from the scheduled date of inspection the Building Inspector shall serve a Notice of Violation upon the permit holder as set forth herein in 3 (c) (iii) returnable in the Town of Lancaster Justice Court.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. of the Year 2005 on the Town Bulletin Board.
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 6 of the Year 2005, with all proofs of publication and posting required for adoption, and
4. File certified copies of Local Law No. 6 of the Year 2005 within ten (10) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: rlocallawamendhomeoccupation903a

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 6
OF THE YEAR 2005
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on November 7, 2005, Local Law No. 6 of the Year 2005, entitled "HOME OCCUPATIONS/OFFICE OF RESIDENT PROFESSIONAL" which repeals in its entirety Section 50-17 (F), "Home occupations." and Section 50-17 (G), "Office of resident professional." of Chapter 50, "Zoning" of the Code of the Town of Lancaster and enacting in place thereof a new Section 50-17 (F), "Home occupations." and a new Section 50-17 (G), "Office of resident professional." briefly described as follows:

"A LOCAL LAW ENTITLED "HOME OCCUPATIONS/OFFICE OF RESIDENT PROFESSIONAL" WHICH REPEALS IN ITS ENTIRETY SECTION 50-17 (F) AND SECTION 50-17 (G) OF CHAPTER 50, "ZONING" AND ENACTS IN PLACE THEREOF A NEW SECTION 50-17 (F) AND A NEW SECTION 50-17 (G)."

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

November 7, 2005

File: locallawamendhomeoccupation905a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the New York State Department of Transportation proposes the reconstruction of Transit Road (NY Route 78), SH 1334 in the Town of Lancaster under P.I.N. 5209.40, and

WHEREAS, in connection with the above mentioned project, and under the provisions of Subdivision 25 of Section 10 of the New York Highway Law as amended, which provides in part, that the Commissioner of the Department of Transportation shall "Have power to combine, connect, alter, relocate, terminate and pave intersecting highways, roads or streets" and, also, that "The maintenance of any highway, road or street which is affected by this subdivision and which, in the judgment of the Commissioner, is not deemed to be a part of the State Highway system, shall be maintained by the municipality of the municipalities in which the road is located," and

WHEREAS, the Commissioner proposes to improve State Highway 1334, NY Route 78 - Transit Road, Erie County and in connection therewith to relocate Freeman Road as shown in the contract plans. Freeman Road's access point to NY Route 78 - Transit Road just north of the NYS Thruway Bridge will be terminated and relocated approximately 230m (755ft.) north of existing access point. Freeman Road will be abandoned from its existing access point for an approximate distance of 155m (509ft.) east. It is from this point, that Freeman Road will continue north to a round-about then west to its new access point on NY Route 78 - Transit Road. At the round-about, a Freeman Road Extension will continue north for an approximate distance of 173m (568ft.) and terminate with a maintenance turnaround at the most northerly point, and

WHEREAS, said highways, roads or streets are to be located within the Town of Lancaster and in the judgment of the Commissioner of the Department of Transportation, will not be deemed to be part of the State Highway system,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of Lancaster approves the above-described relocation, and

BE IT FURTHER

RESOLVED that, upon completion of construction of the above-described relocation, the Town of Lancaster will maintain such roads in accordance with the provisions of the Highway Law.

BE IT FURTHER

RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2005, entitled "GENERAL BUSINESS DISTRICT ACCESSORY USES", which will amend Chapter 50, Zoning, of the Code of the Town of Lancaster by repealing, in its entirety, Section 50-19 (B) (2) (e), "Accessory structures and uses.", and replacing it with a new Section 50-19 (B) (2) (e), which shall read as follows:

CHAPTER 50
ZONING
SECTION 50-19, GENERAL BUSINESS DISTRICT
SECTION 50-19 (B) (2), ACCESSORY STRUCTURES AND USES.
PROPOSED LOCAL LAW OF THE YEAR 2005

A LOCAL LAW ENTITLED "GENERAL BUSINESS DISTRICT ACCESSORY USES" TO AMEND CHAPTER 50, ZONING, OF THE CODE OF THE TOWN OF LANCASTER BY REPEALING, IN ITS ENTIRETY, SECTION 50-19 (B) (2) (e), "ACCESSORY STRUCTURES AND USES.", AND REPLACING IT WITH A NEW SECTION 50-19 (B) (2) (e).

BE IT ENACTED, by the Town Board of the Town of Lancaster as follows:

Section 1.

The Code of the Town of Lancaster, Chapter 50, Zoning, Section 50-19 (B) (2) (e) is hereby amended by Local Law of the Year 2005 as follows:

§50-19. General Business District (GB).

(B) Permitted uses.

2) Accessory structures and uses.

(a)

(e) In conjunction with food store mini-marts up to four (4) fueling islands with each island having no more than four (4) dispensing points subject to the following conditions:

- 1) there shall be a minimum of 1,200 square feet of retail store area for each fueling island;**
- 2) no tractor trucks or tractor trucks with trailer combinations shall be permitted on site for fueling but will be permitted on site for the limited purpose of delivery of fuel, merchandise or food product.**

**NOW, THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2005, entitled "General Business District Accessory Uses" which Local Law will amend Chapter 50, Zoning, of the Code of the Town of Lancaster by repealing, in its entirety, Section 50-19 (B) (2) (c), "Accessory Structures and Uses.", and replacing it with a new Section 50-19 (B) (2) (e) of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 21st day of November, 2005, and that Notice of the Time and Place of such Hearing shall be published on November 10, 2005, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, entitled "General Business District Accessory Uses." available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: rlocallawamendgeneralbusiness1105

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted November 7, 2005, the said Town Board will hold a Public Hearing on the 21st day of November, 2005 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, entitled "General Business District Accessory Uses", which Local Law will amend Chapter 50, Zoning, of the Code of the Town of Lancaster by repealing, in its entirety, Section 50-19 (B) (2) (e), "Accessory Structures and Uses." and replacing it with a new Section 50-19 (B) (2) (e), briefly described as follows:

**"A LOCAL LAW ENTITLED "GENERAL BUSINESS DISTRICT
ACCESSORY USES" TO AMEND CHAPTER 50, ZONING, OF THE CODE
OF THE TOWN OF LANCASTER BY REPEALING IN ITS ENTIRETY,
SECTION 50-19 (B) (2) (e), "ACCESSORY STRUCTURES AND USES."
AND REPLACING IT WITH A NEW SECTION 50-19 (B) (2) (e)."**

A complete copy of this proposed Local Law of the Year 2005, entitled "General Business District Accessory Uses", and designated as Section 50-19 (B) (2) (e) of Chapter 50, Zoning of the Code of the Town of Lancaster, is available at the Office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 18031 to Claim No. 18339 Inclusive

Total amount hereby authorized to be paid: \$362,171.01

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13351	Clapp, Raymond	29 Lakeside Cres	Er. Deck	(V/L)
13352	Vanyo, Ronald	1 Park Walk	Er. Shed	
13353	Heritage Fence Inc	64 Old Post Rd	Er. Fence	
13354	Carducci, Michael	188 Ransom Rd	Er. Garage	
13355	Manhattan Bagel	4875 Transit Blvd	Er. Sign-Temp	
13356	North Forest Dev.	2813 Wehrle Dr	Er. Sign-Wall	
13357	North Forest Dev.	2813 Wehrle Dr	Er. Sign-Wall	
13358	Simme, Steven	59 School St	Er. Res. Add.	(V/L)
13359	Duro-Shed Inc	46 W Drullard Ave	Er. Shed	(V/L)
13360	Welch, Daniel	18 Parkedge Dr	Er. Shed	
13361	Iroquois Fence Inc	1174 Penora St	Er. Fence	
13362	Weidman & Sons	72 First Ave	Dem. Garage	(V/L)
13363	Weidman & Sons	72 First Ave	Er. Garage	(V/L)
13364	Carducci, Michael	188 Ransom Rd	Er. Shed	
13365	DeGroff, Kenneth	15 Butler Dr	Er. Res. Add.	
13366	The Building Company	234 Nathan's Trl	Er. Res. Add.	
13367	Sametz, Geoffrey	61 Michael Anthony Ln	Er. Shed	
13368	Duro-Shed Inc	41 Livingston St	Er. Shed	(V/L)
13369	Parco Building Systems	170 Cemetery Rd	Er. Pole Barn Addition	
13370	Pacific Pools	40 Village View	Er. Fence	
13371	Pacific Pools	40 Village View	Er. Pool-In Grnd	
13372	Rich Pools	20 Heritage Dr	Er. Pool-Abv Grnd	
13373	Honda Power Center	4304 Walden Ave	Er. Comm. Bldg.	
13374	DeCarlo, Frank	6 Hill Valley Dr	Er. Deck	
13375	Expert Fence Co	39 Whitestone Ln	Er. Fence	
13376	Kugler, Robert	55 Fairfield Ave	Er. Fence	(V/L)
13377	Iroquois Fence Inc	94 Kennedy Ct	Er. Fence	
13378	Picone Construction	Freeman Dr	Remodel Motel	
13379	Nextel Partners Inc	69 Cemetery Rd	Er. Cell Co-Locate	
13380	Marrano/Marc Equity	30 Avian Way	Er. Dwlg.-Sin.	
13381	Marrano/Marc Equity	37 Ashwood Ct	Er. Dwlg.-Sin.	

13382	Batt, Thomas	2 Lakeside Cres	Er. Deck	(V/L)
13383	Carl & Bo's Pizza	4779 Transit Rd	Er. Sign-Temp	
13384	Rizzi, Victor	12 Brunck Rd	Er. Res. Add.	
13385	Bunch, John	525 Pleasant View Dr	Er. Garage	
13386	Nowicki, David	22 Schiffler Ct	Er. Fence	
13387	Concord Amish Village	32 Michael's Walk	Er. Shed	
13388	Carow, Rena	5825 Genesee St	Er. Res. Add.	
13389	Greenfield Manor Inc	5949 Broadway	Er. Sign-Temp	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Ruffino, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated October 12, 2005 has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following additions to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Resident Probationary Active Member:

Christian Chavers
102 Pheasant Run Lane
Lancaster, New York

Kenneth Keller
488 Harris Hill Road
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 7, 2005

File: RFIRES (P2)

COMMUNICATIONS & REPORTS:

565. NYS DEC to Elliot Lasky, Windsor Ridge Partners -
Letter regarding wetland concerns in proposed Windsor Ridge South Subdivision.
DISPOSITION = Planning Committee
566. NYS DEC to Town Attorney -
Notification of Lead Agency designation regarding proposed Fairway Hills Subdivision, Phase II; comments noted. DISPOSITION = Planning Committee
567. Erie County Division of Sewerage Management to Town Attorney -
Notice of no objections to proposed Fairway Hills Subdivision, Phase II; comments noted. DISPOSITION = Planning Committee
568. NYS DEC to Town Attorney -
Comments regarding Traffic Impact Study of proposed Cross Creek Subdivision, Pleasant View Drive and Pavement Road. DISPOSITION = Planning Committee
569. Safety Steering Committee to Town Board -
Minutes of meeting held September 27, 2005. DISPOSITION = Received & Filed
570. Highway Superintendent to William Poole, LaFarge Corporation -
Letter of appreciation for contribution of fill to construct baseball diamond at Keysa Park. DISPOSITION = Received & Filed
571. Scott Hahn to Town Board -
Comments regarding development in the Town. DISPOSITION = Received & Filed
572. Marianne McPherson to Town Board -
Comments regarding proposed truck stop on Transit Road. DISPOSITION = Planning Committee
573. Ann Meidenbauer, Kenneth Meidenbauer, Jr. to Town Board -
Comments regarding proposed truck stop on Transit Road. DISPOSITION = Planning Committee
574. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -
Notice of no objections from Town Forestry Department regarding sketch plans for proposed Fairway Hills Subdivision, Phase II and Pleasant Meadows Patio Homes Subdivision; comment noted. DISPOSITION = Planning Committee
575. Edjew Group L.L.C. to Town Clerk -
Advisement of liquor license renewal application for Mason's Grill & Bar.
DISPOSITION = Town Attorney
576. NYS Senator Dale Volker to Supervisor -
Letter regarding urging passage of the NY Transportation Bond Act. DISPOSITION = Received & Filed
577. Executive Director, Southeast Works to Supervisor -
Letter requesting transfer of Depew Library building and land to Southeast Works.
DISPOSITION = Supervisor
578. Erie County Division of Planning and Economic Development to Town Board -
Transmittal of letter from U.S. Department of Housing and Urban Development to Erie County Executive outlining results of 2004 Erie County Community Block Grant Consortium Program. DISPOSITION = Received & Filed
579. Medina Consultants to Town Board -
Notification of surveying work regarding flood insurance study to be done within the Town between October 10, 2005 and December 1, 2005. DISPOSITION = Received & Filed
580. President/CEO, YMCA of Greater Buffalo to Supervisor -
Request to lease Depew Library building for office and program use. DISPOSITION = Supervisor

581. NYS Office of Real Property Services to Town Board -
Notification of 2005 STAR Administrative Aid allocation to Town. DISPOSITION =
Received & Filed
582. Daniel R. Spisiak, Carolyn M. Spisiak to Town Board -
Objections to proposed truck stop east side of Transit Road, north of Genesee Street.
DISPOSITION = Planning Committee
583. Village of Lancaster to Town Board -
Minutes of meeting held October 10, 2005. DISPOSITION = Received & Filed
584. Joan Kempisty to Town Board -
Objections to proposed truck stop east side of Transit Road, north of Genesee Street.
DISPOSITION = Planning Committee
585. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy
Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held October 19, 2005. DISPOSITION = Received
& Filed
586. Planning Board to Town Board -
Notice of tabling of petition regarding 87-ft. wide portion of parcel at 470 Aurora
Street; additional information needed. DISPOSITION = Received & Filed
587. Planning Board to Town Board -
Recommend approval of Sketch Plan for proposed Pleasant Meadows Subdivision
Patio Homes; conditions noted. DISPOSITION = Planning Committee
588. Planning Board to Town Board -
Recommend approval of Sketch Plan for proposed Fairway Hills Subdivision, Phase
II: condition noted. DISPOSITION = Planning Committee
589. Erie County Department Division of Planning & Economic Development to Town
Board -
Transmittal of new NYS laws of interest to Erie County and a letter from NYS
Lieutenant Governor regarding the Quality Communities Grant Program.
DISPOSITION = Received & Filed
590. Lancaster Volunteer Ambulance Corps Inc. to Supervisor -
Letter requesting additional funding. DISPOSITION = Supervisor
591. Erie County Department of Environment & Planning to Supervisor -
Transmittal of public notice designating November 1 - 30, 2005 as period to include
agricultural land in agricultural district. DISPOSITION = Received & Filed
592. Western Erie Canal Heritage Corridor Planning Commission to Town Board -
Notice of approval of the Heritage Corridor management plan and grant eligibility.
DISPOSITION = Received & Filed
593. NorthEast-Southtowns Solid Waste Management Board to Town Board -
Minutes of meeting held September 8, 2005 and notice of meeting to be held
November 10, 2005, 4:00 PM in Orchard Park. DISPOSITION = Received & Filed
594. Suburban Adult Services Inc. to Supervisor -
Notice of intent to develop a Community Residence on Broadway at Ransom Road.
DISPOSITION = Received & Filed
595. Erie County Division of Highways to Town Attorney -
Notification of Lead Agency designation regarding Fairway Hills Subdivision, Phase
II. DISPOSITION = Planning Committee

596. General Crew Chief to Planning Board, Council Members Montour, Ruffino, Stempniak

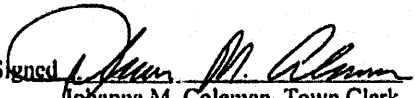
Notice of approval from the Town Forestry Department regarding landscape plan for City Fence Inc, 3893 Walden Avenue. DISPOSITION = Planning Committee

597. Town Clerk to Town Board -

Transmittal of monthly report for October 2005. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED BY
COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 10:30 P.M

Signed 
Johanna M. Coleman, Town Clerk.